Guidance for Schools and Units on the Creation of Internal Committee Minutes

1 Introduction

The Freedom of Information (Scotland) Act 2002 (the Act) gives the public, and this includes the University’s staff and students, a general right of access to all types of 'recorded' information held by the University.

The Act requires the University to produce an index of all the information it intends to make routinely available to the public via a Publication Scheme. The University's Publications Scheme is available at http://foi.st-andrews.ac.uk/PublicationScheme/PublicationScheme.html

Members of the public may also ask for information not available in the Publication Scheme, however, and the University will, by and large, have to provide it. Information may be withheld only if any of the exemptions set out in the Act apply. (The exemptions are listed in Appendix A).

When creating committee minutes, therefore, you should work on the assumption that what you write will be available to the public. Although the Act came fully into force on 1 January 2005, the right of access to information is retrospective. This means that the minutes of meetings held in e.g. 2004 are available under the Act.

The Data Protection Act 1998 also has a bearing on minute writing, particularly where personal data is to be placed on a website.

2 What to include in the Minutes

2.1 Deciding what to include in a minute will depend upon what the minute is intended to do.

If it is solely intended to record who agreed to do what, then a simple action list will do.

If it is intended to act as a record of the business of the meeting, the minute should contain a précis of the committee's discussions and decisions, to include any recommendations which require approval by a higher authority. It should include the salient points which influenced the decision or recommendation.

2.2 Reserved Business

It may be that there is some information which it is not appropriate to include in the minute proper — for instance, information which is exempt because it is commercially sensitive (see s. 33 of the Act). In that case, such information should be excluded from the minute, placed in a separate document (reserved appendix) and referred to in the minute as 'reserved'. The 'reserved' document should be clearly marked as such, and the appropriate exemption noted on it.

The applicability of exemptions is a difficult area, however, so advice should be sought from the University's Information Management Co-ordinator, Mark Robinson — mr39, tel 1780.
Where the business of a committee is concerned with the discussion of an individual's welfare, employment or academic progress, the information relating to these items should be recorded in a separate appendix and referred to as 'reserved.' In this way personal information contained in the minutes can be easily identified and withheld from publication.

3 Publishing information which identifies members of staff

The Information Commissioner, in his capacity as Data Protection Commissioner, advises that 'information which is about someone acting in an official or work capacity should normally be provided on request unless there is some risk to the individual concerned.'

Minutes may therefore still include a list of the names (and offices) of those present at a committee meeting.

In the body of the minutes you should wherever possible identify people by the role they are performing in that meeting, not by their names. This is particularly important because unreserved minutes may be published on the Internet. Members and officers of committees should be informed that this is being done, and given the opportunity to object to this publication.

Such an objection does not necessarily mean that publication will never take place, however. First, the University may not accept that the objection is valid. Secondly, if a subsequent Freedom of Information request were to necessitate publication of the information objected to, the University would be required to review its original decision to accept the objection.

4 Content and Style

Adhering to the following guidance will ensure conformity of content and style with the University’s Court and Academic Council Minutes.

4.1 Content

- A minute should contain a reminder about confidentiality – in bold in the top left hand corner – for those meetings where sensitive issues were discussed e.g. discipline
- Name of the Committee/Working Group/ Project Team should appear clearly at the top of the page. Where the committee reports to a superior body the name of the superior body would come first
- The date and place of the meeting
- The names and capacity of those attending – clearly differentiating those people who have attended for specific items
- Apologies
- Approval of the minutes or notes of the previous meeting and a formal record of any amendments made
- Matters arising (if any) from previous meeting
- Each topic should be separately numbered and should have an appropriate heading. This should correspond to the appropriate item on the agenda
- If necessary, concise relevant background to each decision should be given

1 Freedom of Information Act Awareness Guidance 1
(www.ico.gov.uk/documentUploads/AG%20personal%20info.pdf)
• Reference to any supporting documents by using the name of the document and “on file”. These documents should be stored with the principal copy of the minute

• A clear and unambiguous statement of the decision taken and whether the matter was agreed or recommended to another body (stating the body!)

• The titles of the individuals or committees responsible for subsequent action

• If a decision is not taken, the minute should summarise very briefly the various opinions expressed (without the detail of who said what) and state why a decision was deferred i.e. waiting further information etc.

• Date, time and place of next meeting should be recorded

• Seek clarification on details after the meeting if unclear from notes

4.2 Style

• Style and tone of the minute should be influenced by the nature and purpose of the meeting

• Factual details should be accurate

• Content should be brief but consistent and include all the relevant facts

• A minute is reported in speech and should normally be written in the past tense

• Avoid jargon

• Keep acronyms to a minimum. On the first use you give the full detail followed by the acronym in brackets e.g. Academic Council (AC). Thereafter you can use the acronym

• Seek clarification on details after the meeting

4.3 Helpful Key words

• Received – used to record the formal receipt of a document or information

• Reported – used to indicate background information provided for a committee either on the agenda or orally at the meeting

• Considered – used to indicate that the committee actually discussed a particular topic or document

• Noted – used to summarise significant points arising from a paper or discussion which led to a particular conclusion

• Agreed or resolved – used to show the conclusion of a committee’s deliberations on a matter wholly within its competence

• Recommended – used for matters that have been agreed or resolved but which require a decision from a higher body.
APPENDIX A

Listed below are the exemptions available under the Freedom of Information (Scotland) Act 2002. Only a few of these exemptions are absolute, however (ss. 25, 26, 36(2), 37, 38). The others are subject to a 'public interest test'. Essentially this means that unless it is in the public interest to withhold the information, that information has to be released.

Questions about these exemptions should be addressed to the University's Information Management Co-ordinator, Mark Robinson — mr39, tel 1780.

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